

REMARKS

This Amendment responds to the Office Action dated June 13, 2007 in which the Examiner rejected claims 1-19 under 35 U.S.C. §112 first and second paragraphs and under 35 U.S.C. §103.

Attached to this Amendment are replacement sheets for Figures 1-5 to label them prior art. Applicant respectfully requests the Examiner approve the correction.

As indicated above, claims 1 and 9 are amended to delete the limitation added in the previous Amendment. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 1-19 under 35 U.S.C. §112 first and second paragraph.

As indicated above, claims 1 and 11 have been amended for stylistic reasons. The Amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claims.

Claim 1 claims a data transmission controlling method and claim 11 claims a data transmission system. Encrypted data is transmitted over a first communication channel. The first communication channel is provided for data transmission only from a data transmitting means to a data receiving means. Restrictive data transmission control information is transmitted over a second communication channel from the data transmitting means to the data receiving means. The restrictive data communication control information causes the encrypted data to be received solely by specific data receiving means. The second communication channel is also used for data transmission from the data receiving means to the data transmitting means. The second communication channel allowing bi-directional communication between the data transmitting means and the data receiving means.

By (a) having encrypted data being transmitted by a first communication channel, (b) having restrictive data transmission control information transmitted over a second communication channel where the restrictive data transmission control information causes the encrypted data to be received solely by specific data receiving means and (c) having the second communication channel being a bi-directional communication channel, as claimed in claims 1 and 11, the claimed invention provides a data transmission controlling method and apparatus in which data transmission from a transmitter to a receiver is carried out in a more secure and reliable manner and which allows the transmitter to know whether the data sent to a specific data receiving receiver has been correctly received. Furthermore, the claimed invention allows contents/data to be sent via the first communication channel (i.e. broadband channel) and allows control information to be sent via the second communication channel (i.e. narrowband channel). The prior art does not show, teach or suggest the invention as claimed in claims 1 and 11.

Claims 1-5, 8-14, 17-19 were rejected under 35 U.S.C. §103 as being unpatentable over *Seth-Smith et al.* (U.S. Patent No. 4,829,569).

Seth-Smith et al. appear to disclose transmitting an encrypted signal via a satellite 20, by a landline or a combination of both to a receiving antenna 22 (Column 6 lines 49-52). In other words, *Seth-Smith et al.* merely disclose sending encrypted signals through different channels. Nothing in *Seth-Smith et al.* show, teach or suggest transmitting encrypted data over a first channel and transmitting restrictive data transmission control information over a second channel having smaller capacity than the first channel as claimed in claims 1 and 11. *Seth-Smith et al.* only disclose sending encrypted signals via satellite, landline, or a combination thereof.

Furthermore, *Seth-Smith et al.* disclose a decoder which detects and decrypts the encrypted portion and restricts access of individuals to the video signal (Column 6 lines 52-62).

In other words, the decoder in *Seth-Smith et al.* restricts access by an undisclosed means and/or method. However, as claimed in claims 1 and 11, restrictive data transmission control information, received over a second communication channel, causes the encrypted data to be received solely by specific data receiving means. *Seth-Smith et al.* only discloses a decoder which restricts the access of the individuals by an unknown means/method.

Also, *Seth-Smith et al.* only disclose that a user can communicate with a broadcaster by conventional communication facilities such as a telephone or mail (Column 6 line 65 - Column 7 line 5). Applicant respectfully points out that the user is not a data receiver which receives encrypted data and restrictive data transmission control information as claimed in claims 1 and 11. Thus nothing in *Seth-Smith et al.* show, teach or suggest (a) transmitting encrypted data over a first communication channel provided for data transmission only from a data transmitting means to a data receiving means and (b) transmitting restrictive data transmission control information over a second communication channel from a data transmitting means to a data receiving means as claimed in claims 1 and 11. *Seth-Smith et al.* only disclose a user communicating via telephone or mail to a broadcaster.

Finally, *Seth-Smith et al.* only disclose communication with the broadcaster via telephone or mail by the user. Nothing in *Seth-Smith et al.* show, teach or suggest transmitting control information over a second communication channel (a) from a transmitter to a receiver and (b) from the receiver to the transmitter, i.e. the second communication channel is bi-directional as claimed in claims 1 and 11. *Seth-Smith et al.* only disclose a user communicating with the broadcaster via telephone or mail.

Since nothing in *Seth-Smith et al.* show, teach or suggest (a) transmitting encrypted data over a first communication channel and transmitting restrictive data transmission control

information over a second communication channel with smaller capacity from a data transmitting means to a data receiving means, (b) having restrictive data transmission control information cause the encrypted data to be received solely by a specific data receiving means, and (c) a second communication channel for transmitting control information from a transmitting means to a receiving means and from the receiving means to the transmitting means as claimed in claims 1 and 11, Applicant respectfully requests the Examiner withdraw the rejection of claims 1 and 11 under 35 U.S.C. §103.

Claims 2-5, 8-10, 12-14 and 17-19 depend from claims 1 and 11 and recite additional features. Applicant respectfully submits that claims 2-5, 8-10, 12-14 and 17-19 would not have been obvious within the meaning of 35 U.S.C. §103 over *Seth-Smith et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 2-5, 8-10, 12-14 and 17-19 under 35 U.S.C. §103.

Claims 6-7 and 15-16 were rejected under 35 U.S.C. §103 as being unpatentable over *Seth-Smith et al.* in view of *Mueller* (U.S. Patent No. 5,602,917).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraw the rejection of the claims and allow the claims to issue.

As discussed above, since nothing in *Seth-Smith et al.* show, teach or suggest the primary features as claimed in claims 1 and 11, Applicant respectfully submits the combination of the primary reference with the secondary reference to *Mueller* will not overcome the deficiencies of the primary reference. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 6-7 and 15-16 under 35 U.S.C. §103.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

CONCLUSION

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enter this amendment for purposes of appeal.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

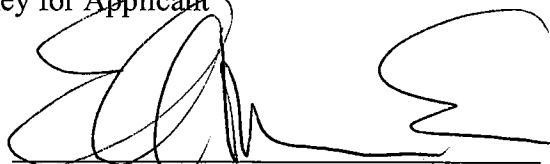
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: September 12, 2007

By:

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

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